

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                           |   |                  |
|---------------------------|---|------------------|
| UNITED STATES OF AMERICA, | § |                  |
|                           | § |                  |
| Plaintiff                 | § |                  |
|                           | § |                  |
| v.                        | § | No. 3:22-CV-1148 |
|                           | § |                  |
| ISAIAS TORRES             | § |                  |
| d/b/a TORRES ROOFING,     | § |                  |
|                           | § |                  |
| Defendant                 | § |                  |

**COMPLAINT**

The United States of America files its Complaint against the Defendant Isaias Torresd/b/a Torres Roofing.

**I.**

**Jurisdiction and Venue**

1. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1345 and 28 U.S.C. § 3001 *et seq.*

2. Defendant Isaias Torres d/b/a Torres Roofing is a resident of the Northern District of Texas and presently resides within this judicial district with the following last known address or principal office:

1520 Ross Ave  
Carrollton, Texas 75006

Therefore, venue lies in this Court under 28 U.S.C. § 1391(b) and 29 U.S.C. § 666(l).

**II.**

### **Background Facts and Claims**

3. At all relevant times Defendant has been engaged in activities subject to the jurisdiction and oversight of the Occupational Safety and Health Administration (“OSHA”).

4. On or about June 26, 2017 OSHA issued a citation to Defendant for violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 et seq., and its implementing regulations.

5. Based upon the violations found by OSHA in this citation, the details of which are hereby incorporated by reference as if fully set out herein as contained in the true and correct copy of the citation hereto as Exhibit A, OSHA assessed penalties of \$2,716.00 pursuant to its authority in 29 U.S.C. § 666.

6. As set forth in the attached Certificate of Indebtedness, which is attached hereto and made a part hereof as Exhibit B, interest has accrued on the assessed penalties in this citation, as provided by 31 U.S.C. § 3717(a)-(d), and administrative costs have been added to the assessed penalties in this citation, as provided by 31 U.S.C. §§ 3711(g)(6)-(7); 3717(e); 31 C.F.R. §§ 285.12(j); 901.1(f).

7. As of April 13, 2022 Defendant is indebted to the United States in the amount of \$4,895.31 (principal, interest and administrative costs) for this citation as set forth in the Certificate of Indebtedness.

8. On or about July 27, 2017 OSHA issued a citation to Defendant for violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 et seq., and its implementing regulations.

9. Based upon the violations found by OSHA in this citation, the details of which are hereby incorporated by reference as if fully set out herein as contained in the true and correct copy of the citation hereto as Exhibit C, OSHA assessed penalties of \$3,803.00 pursuant to its authority in 29 U.S.C. § 666.

10. As set forth in the attached Certificate of Indebtedness, which is attached hereto and made a part hereof as Exhibit D, interest has accrued on the assessed penalties in this citation, as provided by 31 U.S.C. § 3717(a)-(d), and administrative costs have been added to the assessed penalties in this citation, as provided by 31 U.S.C. §§ 3711(g)(6)-(7); 3717(e); 31 C.F.R. §§ 285.12(j); 901.1(f).

11. As of April 13, 2022 Defendant is indebted to the United States in the amount of \$6,725.28 (principal, interest and administrative costs) for this citation as set forth in the Certificate of Indebtedness.

12. On or about November 6, 2018 OSHA issued a citation to Defendant for violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 et seq., and its implementing regulations.

13. Based upon the violations found by OSHA in this citation, the details of which are hereby incorporated by reference as if fully set out herein as contained in the true and correct copy of the citation hereto as Exhibit E, OSHA assessed penalties of \$15,244.00 pursuant to its authority in 29 U.S.C. § 666.

14. As set forth in the attached Certificate of Indebtedness, which is attached hereto and made a part hereof as Exhibit F, interest has accrued on the assessed penalties in this citation, as provided by 31 U.S.C. § 3717(a)-(d), and administrative costs have been

added to the assessed penalties in this citation, as provided by 31 U.S.C. §§ 3711(g)(6)-(7); 3717(e); 31 C.F.R. §§ 285.12(j); 901.1(f).

15. As of April 13, 2022 Defendant is indebted to the United States in the amount of \$25,490.70 (principal, interest and administrative costs) for this citation as set forth in the Certificate of Indebtedness.

16. On or about October 27, 2017 OSHA issued a citation to Defendant for violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 et seq., and its implementing regulations.

17. Based upon the violations found by OSHA in this citation, the details of which are hereby incorporated by reference as if fully set out herein as contained in the true and correct copy of the citation hereto as Exhibit G, OSHA assessed penalties of \$305.00 pursuant to its authority in 29 U.S.C. § 666.

18. As set forth in the attached Certificate of Indebtedness, which is attached hereto and made a part hereof as Exhibit H, interest has accrued on the assessed penalties in this citation, as provided by 31 U.S.C. § 3717(a)-(d), and administrative costs have been added to the assessed penalties in this citation, as provided by 31 U.S.C. §§ 3711(g)(6)-(7); 3717(e); 31 C.F.R. §§ 285.12(j); 901.1(f).

19. As of April 13, 2022 Defendant is indebted to the United States in the amount of \$565.73 (principal, interest and administrative costs) for this citation as set forth in the Certificate of Indebtedness.

20. On or about January 31, 2018 OSHA issued a citation to Defendant for violations of the Occupational Safety and Health Act of 1970, 29 U.S.C. §§ 651 et seq., and its implementing regulations.

21. Based upon the violations found by OSHA in this citation, the details of which are hereby incorporated by reference as if fully set out herein as contained in the true and correct copy of the citation hereto as Exhibit I, OSHA assessed penalties of \$15,447.00 pursuant to its authority in 29 U.S.C. § 666.

22. As set forth in the attached Certificate of Indebtedness, which is attached hereto and made a part hereof as Exhibit J, interest has accrued on the assessed penalties in this citation, as provided by 31 U.S.C. § 3717(a)-(d), and administrative costs have been added to the assessed penalties in this citation, as provided by 31 U.S.C. §§ 3711(g)(6)-(7); 3717(e); 31 C.F.R. §§ 285.12(j); 901.1(f).

23. As of April 13, 2022 Defendant is indebted to the United States in the amount of \$27,016.98 (principal, interest and administrative costs) for this citation as set forth in the Certificate of Indebtedness.

24. Defendant did not contest the issuance of the citations or the assessment of the penalties in this citation by filing a timely notice with OSHA after being properly notified of the citations, and therefore the cited violations and the assessed penalties are “not subject to review by any court or agency.” 29 U.S.C. § 659(a).

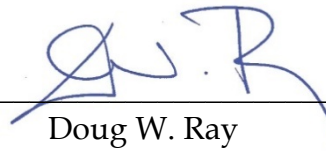
### **III.**

#### **Demand**

The United States respectfully requests judgment against Defendant Isaias Torres

d/b/a Torres Roofing in the amount of \$64,694.00. The United States further requests prejudgment interest and prejudgment penalty as allowed by law, post-judgment interest, its costs of suit and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By   
Doug W. Ray  
State Bar No. 16599200

RAY & WOOD  
300 Beardsley Lane, Suite B-100  
Austin, Texas 78746  
(512) 328-8877 (Telephone)  
(512) 328-1156 (Facsimile)  
dray@raywoodlaw.com  
**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

## U.S. Department of Labor

Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**

Isaias Torres,  
dba Torres Roofing  
123 East Avenue D  
Bismarck, ND 58501

**Inspection Number:** 1228711

**Inspection Date(s):** 04/28/2017 - 04/28/2017

**Issuance Date:** 06/26/2017

**Inspection Site:**

901 19th Street SE  
Mandan, ND 58554

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the date(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment



to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.



**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 06/26/2017. The conference will be held by telephone or at the OSHA office located at 521

East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1228711**

Company Name: Isaias Torres, dba Torres Roofing  
Inspection Site: 901 19th Street SE, Mandan, ND 58554  
Issuance Date: 06/26/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1228711  
**Inspection Date(s):** 04/28/2017 - 04/28/2017  
**Issuance Date:** 06/26/2017



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 901 19th Street SE, Mandan, ND 58554

---

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system:

(a) On or about April 28, 2017 for an employee exposed to a fall hazard of approximately 15 feet while reroofing a residence without adequate fall protection located at 901 19th Street SE Mandan, North Dakota.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$2,716.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1228711  
**Inspection Date(s):** 04/28/2017 - 04/28/2017  
**Issuance Date:** 06/26/2017



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 901 19th Street SE, Mandan, ND 58554

---

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1926.502(d)(21): Personal fall arrest systems were not inspected prior to each use for wear, damage, and other deterioration, and/or defective components were not removed from service:

(a) On or about April 28, 2017 for employees exposed to potential fall hazards of at least eleven feet where defective fall protection equipment was available for use while reroofing a residence located at 901 19th Street SE Mandan, North Dakota.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$0.00

A handwritten signature in black ink, appearing to read "Eric R. Brooks", written over a horizontal line.

**Eric R. Brooks**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**

Occupational Safety and Health Administration  
 521 East Main Avenue, Suite 200  
 Bismarck, ND 58501  
 Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 901 19th Street SE, Mandan, ND 58554  
**Issuance Date:** 06/26/2017

|   |                   |
|---|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1228711</b>    |
| <b>Citation 1, Serious</b>                        | <b>\$2,716.00</b> |
| <b>Citation 2, Other-than-Serious</b>             | <b>\$0.00</b>     |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$2,716.00</b> |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
Eric R. Brooks

Area Director

6/26/2017  
Date



ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety & Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Isaias Torres dba Torres Roofing  
1520 Ross Ave  
Carrollton, TX 75006

RE: Treasury Claim TRFM7296449

I certify that the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

|                                |             |
|--------------------------------|-------------|
| Principal:                     | \$ 2,716.00 |
| Interest through 04/13/22*:    | \$ 124.98   |
| Penalty fee through 04/13/22*: | \$ 736.33   |
| Admin fee:                     | \$ 20.00    |
| DMS fees:                      | \$ 1,151.14 |
| DOJ fees:                      | \$ 146.86   |

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/13/22: \$ 4,895.31**

\*NOTE: Per the creditor agency, once the debt is referred to Fiscal Service, interest continues to accrue at the rate of 1% per annum (\$0.07 daily) as well as a penalty at the rate of 6% per annum (\$0.45 daily).

This debt reportedly arose in connection with the numerous workplace safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650/651 et seq.) and OSHA regulations (29 C.F.R. 1926), as noted during the April 2017 OSHA inspections of the debtor's work site located at 901 19<sup>th</sup> Street SE, Mandan, ND 58554.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety & Health Administration.

X 

Signed by: Bureau of the Fiscal Service  
Ashleigh Edmonds  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

## U.S. Department of Labor

Occupational Safety and Health Administration

521 East Main Avenue, Suite 200

Bismarck, ND 58501

Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**

Isaias Torres,  
dba Torres Roofing  
4100 Cole Street  
Fort Worth, TX 76115

**Inspection Number:** 1244784

**Inspection Date(s):** 06/16/2017 - 06/16/2017

**Issuance Date:** 07/27/2017

**Inspection Site:**

1108 East Broadway Avenue  
Bismarck, ND 58501

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the date(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 07/27/2017. The conference will be held by telephone or at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1244784**

Company Name: Isaias Torres, dba Torres Roofing  
Inspection Site: 1108 East Broadway Avenue, Bismarck, ND 58501  
Issuance Date: 07/27/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1244784  
**Inspection Date(s):** 06/16/2017 - 06/16/2017  
**Issuance Date:** 07/27/2017



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 1108 East Broadway Avenue, Bismarck, ND 58501

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system:

(a) On or about June 16, 2017 for employees exposed to potential fall hazards of approximately 25 feet while installing roofing materials on a 8x12 pitch roof at or near 1108 East Broadway Avenue in Bismarck, ND.

Abatement Note: Abatement certification and documentation are required for this item (see enclosed "Sample Abatement Certification Letter").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated:

08/02/2017

Proposed Penalty:

\$3,803.00

A handwritten signature in black ink, appearing to read "Eric R. Brooks", written over a horizontal line.

**Eric R. Brooks**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**

Occupational Safety and Health Administration  
 521 East Main Avenue, Suite 200  
 Bismarck, ND 58501  
 Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 1108 East Broadway Avenue, Bismarck, ND 58501  
**Issuance Date:** 07/27/2017

|   |                   |
|---|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1244784</b>    |
| <b>Citation 1, Serious</b>                        | <b>\$3,803.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$3,803.00</b> |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

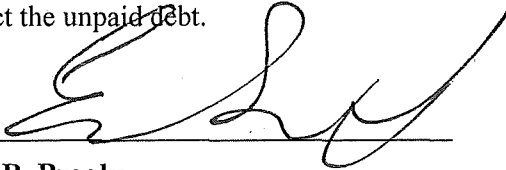
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

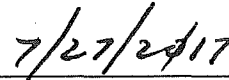
**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Eric R. Brooks

Area Director



Date



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety & Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Isaias Torres dba Torres Roofing  
1520 Ross Ave  
Carrollton, TX 75006

RE: Treasury Claim TRFM7374976

I certify that the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

|                                |    |          |
|--------------------------------|----|----------|
| Principal:                     | \$ | 3,803.00 |
| Interest through 04/13/22*:    | \$ | 162.58   |
| Penalty fee through 04/13/22*: | \$ | 956.48   |
| Admin fee:                     | \$ | 20.00    |
| DMS fees:                      | \$ | 1,581.46 |
| DOJ fees:                      | \$ | 201.76   |

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/13/22: \$ 6,725.28**

\*NOTE: Per the creditor agency, once the debt is referred to Fiscal Service, interest continues to accrue at the rate of 1% per annum (\$0.10 daily) as well as a penalty at the rate of 6% per annum (\$0.63 daily).

This debt reportedly arose in connection with the numerous workplace safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650/651 et seq.) and OSHA regulations (29 C.F.R. 1926), as noted during the June 2017 OSHA inspections of the debtor's work site located at 1108 East Broadway Avenue, Bismarck, ND 58501.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety & Health Administration.

X 

Signed by: Bureau of the Fiscal Service

Ashleigh Edmonds  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1391 Speer Blvd, Suite 210  
Denver, CO 80204



---

## Citation and Notification of Penalty

---

**To:**  
Isaias Torres, dba Torres Roofing  
4100 Cole Street  
Fort Worth, TX 76115

**Inspection Number:** 1355247  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 11/06/2018

**Inspection Site:**  
121 8th Ave  
Superior, CO 80027

*The violations described in this Citation and Notification of Penalty is alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.*

---

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty listed herein is based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above.** Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation cited herein has been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling 303-844-5285. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation and/or penalty.



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation and/or proposed penalty within 15 working days after receipt, the citation and the proposed penalty will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide **abatement certification** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that **abatement documentation** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.



**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/06/2018. The conference will be held by telephone or at the OSHA office located at 1391 Speer Blvd, Suite 210, Denver, CO 80204 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.



**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1355247**

Company Name: Isaias Torres, dba Torres Roofing  
Inspection Site: 121 8th Ave, Superior, CO 80027  
Issuance Date: 11/06/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1391 Speer Blvd, Suite 210, Denver, CO 80204**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1355247  
**Inspection Date(s):** 08/28/2018 - 08/28/2018  
**Issuance Date:** 11/06/2018



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 121 8th Ave, Superior, CO 80027

**Citation 1 Item 1**      Type of Violation: **Repeat**

**29 CFR 1926.501(b)(13):** Each employee engaged in residential construction activities 6 feet or more above lower levels was not protected by guardrail systems, safety net systems, personal fall arrest systems, or another provision in paragraph (b) of this section which provides for an alternative fall protection measure:

(a) **Isaias Torres dba Torres Roofing at 121 8th Ave in Superior, CO:** On or before August 28, 2018, the exposing employer did not ensure that each employee engaged in residential construction activities 6 feet or more above lower levels was protected by guardrail systems, safety net systems, personal fall arrest systems, or another provision in paragraph (b) of this section which provides for an alternative fall protection measure. Employees were re-roofing a 7/12 pitch roof of a two story tall house. Approximately five employees were not protected by guardrail systems, safety net systems, or personal fall arrest systems. This condition exposed the employees to approximate fifteen to twenty five foot fall hazards.

**Isaias Torres dba Torres Roofing and its successors was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in 1277337, citation number 2, item number 1 and was affirmed as a final order on February 26, 2018, with respect to a workplace located at 2818 Eagle Hills Cir, Papillion, NE 68133.**

**Abatement Note:** Abatement certification and documentation are required for this item (see enclosed "Certification of Corrective Action Worksheet").

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**11/26/2018**  
**\$15,244.00**

A handwritten signature in black ink, appearing to read "Herb Gibson", written over a horizontal line.

**Herb Gibson**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
1391 Speer Blvd, Suite 210  
Denver, CO 80204



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 121 8th Ave, Superior, CO 80027  
**Issuance Date:** 11/06/2018

|   |                    |
|---|--------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1355247</b>     |
| <b>Citation 1, Repeat</b>                         | <b>\$15,244.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$15,244.00</b> |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

  
\_\_\_\_\_  
**Herb Gibson**

Area Director

11/6/2018  
\_\_\_\_\_  
Date



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety & Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Isaias Torres dba Torres Roofing  
1520 Ross Ave  
Carrollton, TX 75006

RE: Treasury Claim TRFM10778654

I certify that the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

|                                |              |
|--------------------------------|--------------|
| Principal:                     | \$ 15,244.00 |
| Interest through 04/13/22*:    | \$ 506.29    |
| Penalty fee through 04/13/22*: | \$ 2,961.51  |
| Admin fee:                     | \$ 20.00     |
| DMS fees:                      | \$ 5,994.18  |
| DOJ fees:                      | \$ 764.72    |

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/13/22: \$ 25,490.70**

\*NOTE: Per the creditor agency, once the debt is referred to Fiscal Service, interest continues to accrue at the rate of 1% per annum (\$0.42 daily) as well as a penalty at the rate of 6% per annum (\$2.51 daily).

This debt reportedly arose in connection with the numerous workplace safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650/651 et seq.) and OSHA regulations (29 C.F.R. 1926), as noted during the August 2018 OSHA inspections of the debtor's work site located at 121 8<sup>th</sup> Ave, Superior, CO 80027.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety & Health Administration.

X 

Signed by: Bureau of the Fiscal Service

Ashleigh Edmonds  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service



**U.S. Department of Labor**

Occupational Safety and Health Administration  
521 East Main Avenue, Suite 200  
Bismarck, ND 58501  
Phone: 701-250-4521 Fax: 701-250-4520



## Citation and Notification of Penalty

**To:**

Isaias Torres, dba Torres Roofing  
4100 Cole Street  
Fort Worth, TX 76115

**Inspection Number:** 1244784

**Inspection Date(s):** 06/16/2017 - 06/16/2017

**Issuance Date:** 10/27/2017

**Inspection Site:**

1108 East Broadway Avenue  
Bismarck, ND 58501

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.



**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 10/27/2017. The conference will be held by telephone or at the OSHA office located at 521 East Main Avenue, Suite 200, Bismarck, ND 58501 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1244784**

Company Name: Isaias Torres, dba Torres Roofing  
Inspection Site: 1108 East Broadway Avenue, Bismarck, ND 58501  
Issuance Date: 10/27/2017

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 521 East Main Avenue, Suite 200, Bismarck, ND 58501**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1244784  
**Inspection Date(s):** 06/16/2017 - 06/16/2017  
**Issuance Date:** 10/27/2017



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 1108 East Broadway Avenue, Bismarck, ND 58501

**Citation 2 Item 1** Type of Violation: **Other-than-Serious**

29 CFR 1903.19(c)(1): The employer did not certify to OSHA, within 10 calendar days after the abatement date, that the cited violation had been abated:

(a) For Citation 1, Item 1, a violation of 29 CFR 1926.501(b)(13)

Abatement Note: Abatement certification is required for this item (see enclosed "Sample Abatement Certification Letter").

Date By Which Violation Must be Abated:

Proposed Penalty:

12/01/2017

\$305.00

A handwritten signature in blue ink, appearing to read "Eric R. Brooks", written over a horizontal line.

**Eric R. Brooks**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**

Occupational Safety and Health Administration  
 521 East Main Avenue, Suite 200  
 Bismarck, ND 58501  
 Phone: 701-250-4521 Fax: 701-250-4520



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 1108 East Broadway Avenue, Bismarck, ND 58501  
**Issuance Date:** 10/27/2017

|   |                 |
|---|-----------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1244784</b>  |
| <b>Citation 2, Other-than-Serious</b>             | <b>\$305.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$305.00</b> |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

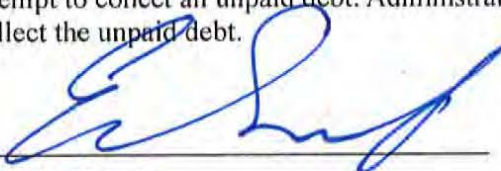
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



**Eric R. Brooks**

Area Director

10/27/2017  
Date





U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety & Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Isaias Torres dba Torres Roofing  
1520 Ross Ave  
Carrollton, TX 75006

RE: Treasury Claim TRFM8650553

I certify that the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

|                                |    |        |
|--------------------------------|----|--------|
| Principal:                     | \$ | 305.00 |
| Interest through 04/13/22*:    | \$ | 13.18  |
| Penalty fee through 04/13/22*: | \$ | 77.55  |
| Admin fee:                     | \$ | 20.00  |
| DMS fees:                      | \$ | 133.03 |
| DOJ fees:                      | \$ | 16.97  |

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/13/22: \$ 565.73**

\*NOTE: Per the creditor agency, once the debt is referred to Fiscal Service, interest continues to accrue at the rate of 1% per annum (\$0.01 daily) as well as a penalty at the rate of 6% per annum (\$0.05 daily).

This debt reportedly arose in connection with the numerous workplace safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650/651 et seq.) and OSHA regulations (29 C.F.R. 1926), as noted during the June 2017 OSHA inspections of the debtor's work site located at 1108 East Broadway Avenue, Bismarck, ND 58501.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety & Health Administration.

X 

Signed by: Bureau of the Fiscal Service

Ashleigh Edmonds  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service

**U.S. Department of Labor**

Occupational Safety and Health Administration  
444 Regency Parkway Drive  
Suite 303  
Omaha, NE 68114  
Phone: 402-553-0171 Fax: 402-551-1288



9070459

## Citation and Notification of Penalty

**To:**

Isaias Torres, dba Torres Roofing  
and its successors  
4100 Cole Street  
Fort Worth, TX 76115

**Inspection Number:** 1277337

**Inspection Date(s):** 11/14/2017 - 11/14/2017

**Issuance Date:** 01/31/2018

**Inspection Site:**

2818 Eagle Hills Cir  
Papillion, NE 68133

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty **you either call to schedule an informal conference (see paragraph below) or** you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on [www.pay.gov](http://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide ***abatement certification*** to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that ***abatement documentation*** is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on

01/31/2018. The conference will be held by telephone or at the OSHA office located at 444

Regency Parkway Drive, Suite 303, Omaha, NE 68114 on \_\_\_\_\_ at

\_\_\_\_\_. Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1277337**

Company Name: Isaias Torres, dba Torres Roofing  
Inspection Site: 2818 Eagle Hills Cir, Papillion, NE 68133  
Issuance Date: 01/31/2018

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 444 Regency Parkway Drive, Suite 303, Omaha, NE 68114**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1277337  
**Inspection Date(s):** 11/14/2017 - 11/14/2017  
**Issuance Date:** 01/31/2018



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 2818 Eagle Hills Cir, Papillion, NE 68133

---

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1926.102(a)(1): The employer did not ensure that each affected employee used appropriate eye or face protection when exposed to eye or face hazards from flying particles:

The employer is failing to ensure that all employees exposed to eye injuries while using pneumatic nail guns are utilizing eye protection. This most recently occurred on November 14, 2017 on the jobsite located at 2818 Eagle Hills Cir, Papillion, NE 68133. The employer has two employees who were observed using hand-held pneumatic nail guns to install roofing material without any form of protection to prevent eye injuries associated with flying particles.

Abatement certification is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

|   |            |
|---|------------|
| Date By Which Violation Must be Abated: | 02/12/2018 |
| Proposed Penalty:                       | \$4065.00  |

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration

**Inspection Number:** 1277337  
**Inspection Date(s):** 11/14/2017 - 11/14/2017  
**Issuance Date:** 01/31/2018



**Citation and Notification of Penalty**

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 2818 Eagle Hills Cir, Papillion, NE 68133

---

**Citation 2 Item 1** Type of Violation: **Repeat**

29 CFR 1926.501(b)(13): Each employee(s) engaged in residential construction activities 6 feet (1.8 m) or more above lower levels were not protected by guardrail systems, safety net system, or personal fall arrest system:

The employer is failing to ensure that all employees exposed to fall hazards while working on a residential roof are utilizing fall protection. This most recently occurred on November 14, 2017 on the jobsite located at 2818 Eagle Hills Cir, Papillion, NE 68133. Eight employees were observed on the roof of a 2-story house with a 6 in 12 steep sloped pitch at heights greater than 6 feet above the ground and not utilizing any form of fall protection.

Isaias Torres dba Torres Roofing, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29 CFR 1926.501(b)(13), which was contained in OSHA inspection number 1228711, citation number 1, item number 1, and was affirmed as a final order on August 18, 2017 with respect to a workplace located at 901 19th Street SE, Mandan, ND 58554.

Abatement certification is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos which you believe will be helpful. The abatement certification sheet is enclosed with the citations.

**ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM**

Date By Which Violation Must be Abated: 02/12/2018  
Proposed Penalty: \$11382.00

---

**Jeff Funke**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**

Occupational Safety and Health Administration  
 444 Regency Parkway Drive  
 Suite 303  
 Omaha, NE 68114  
 Phone: 402-553-0171 Fax: 402-551-1288



## INVOICE / DEBT COLLECTION NOTICE

**Company Name:** Isaias Torres, dba Torres Roofing  
**Inspection Site:** 2818 Eagle Hills Cir, Papillion, NE 68133  
**Issuance Date:** 01/31/2018

|   |                   |
|---|-------------------|
| <b>Summary of Penalties for Inspection Number</b> | <b>1277337</b>    |
| <b>Citation 1, Serious</b>                        | <b>\$4065.00</b>  |
| <b>Citation 2, Repeat</b>                         | <b>\$11382.00</b> |
| <b>TOTAL PROPOSED PENALTIES</b>                   | <b>\$15447.00</b> |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on [www.pay.gov](https://www.pay.gov). On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed

account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

---

**Jeff Funke**

Area Director

---

Date



U.S. DEPARTMENT OF THE TREASURY  
BUREAU OF THE FISCAL SERVICE  
WASHINGTON, D.C. 20227

ACTING ON BEHALF OF  
U.S. Department of Labor, Occupational Safety & Health Administration  
CERTIFICATE OF INDEBTEDNESS

Debtor Name(s) and Address(es):

Isaias Torres dba Torres Roofing  
1520 Ross Ave  
Carrollton, TX 75006

RE: Treasury Claim TRFM9070459

I certify that the U.S. Department of Labor, Occupational Safety & Health Administration (OSHA) records show that the debtor named above is indebted to the United States in the amount stated as follows:

|                                |              |
|--------------------------------|--------------|
| Principal:                     | \$ 15,447.00 |
| Interest through 04/13/22*:    | \$ 626.63    |
| Penalty fee through 04/13/22*: | \$ 3,759.76  |
| Admin fee:                     | \$ 20.00     |
| DMS fees:                      | \$ 6,353.08  |
| DOJ fees:                      | \$ 810.51    |

(pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note)

**TOTAL debt owed as of 04/13/22: \$ 27,016.98**

\*NOTE: Per the creditor agency, once the debt is referred to Fiscal Service, interest continues to accrue at the rate of 1% per annum (\$0.42 daily) as well as a penalty at the rate of 6% per annum (\$2.54 daily).

This debt reportedly arose in connection with the numerous workplace safety violations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 650/651 et seq.) and OSHA regulations (29 C.F.R. 1926), as noted during the November 2017 OSHA inspections of the debtor's work site located at 2818 Eagle Hills Cir, Papillion, NE 68133.

**CERTIFICATION:** Pursuant to 28 USC ss. 1746, I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by the U.S. Department of Labor, Occupational Safety & Health Administration.

X 

Signed by: Bureau of the Fiscal Service

Ashleigh Edmonds  
Financial Program Specialist  
U.S. Department of the Treasury  
Bureau of the Fiscal Service